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FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

NOTIFICATION

The 6th March 2010

SUBJECT—The Orissa Specified Foodstuffs (Stocks Holding Limit) Order, 2010

No. 4265—FS.C.-5/2007(Pt.)— In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notifications of Government of India in the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) No. GSR-104 (E), dated the 15th February 2002 published in the *Gazette of India*, Extraordinary [(Part-II, Section-3, sub-section (i))] and in the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) No. SO-400 (E), dated the 28th February, 2008 and No. SO-823 (E), dated the 7th April, 2008 published in the *Gazette of India* [Part-II, Section-3, sub-section-(ii)], the State Government do hereby make the following order, namely :—

**1. Short title, extent and commencement.—**

- (1) This order may be called the Orissa Specified Foodstuffs (Stock Holding Limit) Order, 2010.
- (2) It shall extend to the whole of State of Orissa
- (3) It shall come into force on the date of its publication in the official Gazette of the State

**2. Definitions—**

In this Order, unless the context otherwise requires, —

- (a) “Act” means the Essential Commodities Act, 1955 ;
- (b) “Appellate Authority” means any authority appointed by the State Government to exercise the powers of Appellate Authority under this order ;
- (c) “Bulk Consumer” means a hotel, restaurant educational institution with hostels facilities, jails, hospitals, religious or charitable institutions ;
- (d) “Controller” means the Commissioner-cum-Secretary to Government/Principal Secretary to Government, F.S. & C.W. Department ;
- (e) “Collector” means the Collector in charge of revenue district ;

- (f) “Commission Agent” means a commission agent having in the customary course of business as such agent authority either to sell specified foodstuffs, or to consign specified foodstuffs for the purpose of sale or to buy foodstuffs ;
- (g) “Dealer” means a person, firm, association of persons, company, institutions, organisation or co-operative society approved by Central or State Government engaged in the business of purchase, sale or storage for sale of any one of pulses, edible oil-seeds and edible oils whether or not in conjunction with any other business and includes commission agent but includes the cultivators in respect of their own produces ;
- (h) “Edible Oils” means any oil used directly or after processing for human consumption and includes hydrogenated vegetable oils ;
- (i) “Importer” means who imports specified vegetable oils ;
- (j) “Producer” means person carrying on the business of milling, expelling, extracting or manufacturing any essential commodity but excludes the cultivators of their own produces ;
- (k) “Schedule” means Schedules appended to this order ;and
- (l) “Specified foodstuffs” means, pulses, edible oil seeds and edible oils.

### **3. Restriction and possession of pulses, edible oilseeds and edible oils —**

- (1) No dealer shall after a period of fifteen days coming into force of this order either by himself or by any person on his behalf store or have in his possession, at anytime any pulses, edible oilseeds and edible oils in excess of the quantities specified below :

Sl. No.	Products	Producer	Dealer
(1)	(2)	(3)	(4)
1	Edible oilsseeds	One-sixth of the maximum quantity of edible oilseeds used by him in any of the last three years ending on the 30th day of April, 2010.	500 Quintals
2	Edible Oils including refined oil	One-sixth of his maximum production in any of the last three years ending on the 30th day of April, 2010.	750 Quintals
3	Pulses	One-sixth of the maximum quantity of unmilled pulses used by him in any of the three years ending from the 30th April, 2010.	750 Quintals

### **4. Order not to apply certain cases —**

Nothing in this order shall apply to—

- (a) a corporation or a company owned or controlled by the Central Government or a State Government or a Statutory Corporation,

- (b) an importer of specified commodities under open general license.
- (c) stocks held on behalf of Government.

#### **5. Appeal—**

A dealer aggrieved by any action of an officer authorised by the State Government under this order may appeal to the Appellate Authority within a period of 30 days from the date of which such action appears to be prejudicial to him and the specified authority in Essential Commodities Act before making any decision in such appeal. The appeal so filed may be disposed of within a period of 90 days from the receipt of the said appeal.

#### **6. Power to issue direction —**

The Government may, from time to time, issue such directions as it considers necessary for the purpose of giving effect to the provisions of this order and / or the dealers/producers to whom such directions have been issued.

#### **7. Powers of entry, search & seizure, etc.—**

The Controller/ the Collector or any other officer authorised by the State Government in this behalf, may with such assistance, if any, as he thinks fit,—

- (a) require the owner, occupier or any person in charge of the place, premises, vehicles in which he has reason to believe that any contravention of the provisions of this order or has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;
- (b) enter, inspect or break open any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order is being or is about to be committed;
- (c) take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him/her,
- (d) take or cause to be tested the weight of all or any of the essential commodities found in any such premises :

Provided that in entering upon and inspecting any premises the persons so authorised shall have due regard to the social and religious customs of the persons occupying the premises;

- (e) search, seize and remove the stocks of the essential commodities and the packages, coverings, animals, vehicles, vessels or other conveyances used in carrying the said essential commodities in contravention of the provisions of this order and thereafter take or authorize the taking of all measures necessary for securing the production of the essential commodities and the packages, coverings, animals, vehicles, vessels or any other conveyances so seized in a court and of their safe custody pending such production.

The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

- 8.** Nothing in this order will apply to the dealers who have been granted license to deal in P.D.S. commodities under the provision of Public Distribution System (Control) Order, 2001 issued by Central Government and published in the *Gazette of India*, Extraordinary [Part-II, Section-3, sub-section (1)] on the 31st August 2001 and the Orissa P.D.S. (Control) Order, 2008.

### **9. Power to prescribe monthly returns—**

Every dealer including a producer shall furnish by the 7th of each following month to the Collector of the districts return in respect of essential commodities stored and sold by him during a month in the *pro forma* as specified in the Schedule. The Collector of the district shall submit a consolidated return to the Food Supplies & Consumer Welfare Department in respect of his/her district by the 15th of each succeeding month.

### **10. Repeal and savings—**

The Orissa Specified Foodstuff (Licensing and Storage Control) Order, 2008, the Orissa Essential Foodstuffs (Prevention of Hoarding and Requisitioning of Stocks) Order, 1974, the Orissa Pulses, Edible Oilseeds and Edible Oil Dealers (Licensing) Order, 1977, the Orissa Wheat and Wheat Products (Licensing) Order, 1988 are hereby repealed with effect from the date of enforcement of this order :

Provided that such repeal shall not affect :—

- (a) the previous operation of any order repealed under this clause (hereinafter referred to as the repealed Order) or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed order; or
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced; and
- (e) any such penalty, forfeiture or punishment may be imposed as if this order had not been issued.

### **11. Validity of this order—**

This order shall remain in force continuously with the validity of the Central Order issued under No. SO-400(E), dated the 28th February, 2008 in respect of Wheat and Pulses and Central Order No.SO.823(E), dated the 7th April, 2008 in respect of edible oils and edible oilseeds.

By order of the Governor

M. AHUJA

Commissioner-*cum*-Secretary to Government

**SCHEDULE**

( See Clause 9 )

Monthly statement in respect of commodities stored/milled/processed under the provision of the State of Orissa Specified Foodstuffs (Stock Holding Limit) Order, 2010.

**( For Producers )**

Name and address of the producers:

Details of commodities stored/milled/processed/finished products :

(Fig. in quintal)

Month	Opening Balance	Stock Received		Stocks milled	Finished Products obtained from milling	Product sold (item-wise)	Quantity sold	Closing Balance
		Outside the State	Inside the State					

Signature of the Dealer

Date :

(Producer)

**( For Dealers )**

Name and address of the Wholesaler:

Details of commodities stored/milled/processed/finished products :

(Fig. in quintal)

Month	Opening Balance	Stock Received		Stocks sold (item-wise)	Closing Balance
		Outside the State	Inside the State		

Signature of the Dealer

Date :

( Wholesaler )